

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 62875

Daniel Riter
Robyn Riter

3424 Birch Hollow Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 29, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 431 storing a commercial vehicle at a residence; (BCZR) section 1B01.1A running an illegal home occupation on residential property known as 3424 Birch Hollow Road, 21208.

On July 7, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ryan Fisher issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (one thousand five hundred dollars).

The following persons appeared for the Hearing and testified Daniel Riter, Respondent; Mr. Harel, neighbor; Ms. Ellen Fleischman, community association board member; and Gary Freund, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 17, 2009 for removal of commercial vehicle(s) and to cease illegal home-based occupation. This Citation was issued on July 7, 2009.

B. Photographs in the file show a commercial van with signage "Signature Hardwood Floors Installation & Refinishing" on the sides, parked next to Respondent's garage. Photographs also show a commercial box trailer with signage on the back.

C. Testimony presented expressed concern about the number of trucks and commercial vehicles being parked at this residential property. Ellen Fleischman, board member for the community association, testified that there are still multiple trucks with signage parked regularly at Respondent's house even after two years of extensive renovations.

D. Respondent Daniel Riter testified that he purchased the house two years ago and has engaged multiple contractors to rebuild the whole house. He has installed geothermal heating and solar hot water systems. The observed traffic is all people doing work on his house. His family moved into the house in October 2008.

E. With regard to his business, Signature Hardwood Floors, Mr. Riter explained that he is the only employee of the business and uses a post office box for mail. A website showing his home address is an error and will be corrected. He has two storage locations and a warehouse for his business and does not store materials at his house.

F. Mr. Riter constructed a large garage next to the street and obtained a variance from the County that permitted its size and location. Restrictions on the variance included that the garage cannot be used for any commercial purposes. Mr. Riter agreed at this Hearing that his commercial van must be parked inside the garage.

G. Based on the evidence and testimony presented, Mr. Riter is not violating zoning restrictions by operating a business from his home. The commercial traffic observed is permissible because the vehicles and workers are at the location to work on Respondent's residence.

H. Parking his Signature Hardwoods van outside when it is not at the property for local work violates zoning restrictions because the signage on the van is too large. BCZR Section 431.1. Parking the commercial trailer with signage on the back also violates this regulation. Because compliance is the goal of code enforcement, and Respondent has agreed to comply with this restriction and in particular has agreed to park the van inside the garage, the civil penalty will be rescinded if re-inspection finds the violation corrected. Respondent is advised that failure to comply with this requirement in the future may result in immediate Citation, with no prior Correction Notice, under Departmental rules for repeat violations.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection finds the violation corrected, with no impermissible commercial vehicles parked outside on Respondent's property. If the Respondent fails to correct the violations, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property within one month of this Final Order to determine whether the violations have been corrected.

ORDERED this 5th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.